

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 1, 2007

KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

GREAT PUMPKIN FESTIVAL CITATIONS

On behalf of the Council, Mrs. Thibault wanted to express her appreciation to the many volunteers who assisted with the first Great Pumpkin Festival that was held on September 22nd. She presented citations to Katie Hall and Donna Kaehler who organized the event and also to Town Administrator Lowe and municipal staff employees, the Public Works Department, the Police Department, the North Smithfield Fire & Rescue Service and the Emergency Management team.

KENDALL-DEAN SCHOOL PROJECT – KIWANIS CLUB

Mrs. Linda-Jean Briggs was present seeking support from the Council for this project that will transfer the Kendall-Dean field into a park with walking trails, planting areas, park benches and a gazebo. As was requested by the Council at a previous meeting, the Kiwanis Club has been in contact with the Planning Board and the Building Inspector and no special permits are required. Mrs. Briggs noted that

the plan has the approval of the School Committee. There will be no cost to the town as the Kiwanis Club will be soliciting donations and sponsorships.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to support the Kiwanis Club initiative of using the Kendall-Dean field to build a park with walking trails, planting areas, park benches and a gazebo.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter into executive session at 7:15 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Northern RI Private Industry Council vs. the Town of North Smithfield and Narragansett Improvement vs. the Town of North Smithfield.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 7:24 P.M. and to seal the minutes. No motions were made and no votes were taken.

TEMPORARY WATER RATE INCREASE

Finance Director Jill Gemma proposed a temporary water rate increase of 24 percent, jumping from \$4.73/1000 gallons of consumption to \$5.85/1000 gallons. She asked for this temporary rate

because there is a discrepancy between what the City of Woonsocket bills the Town of North Smithfield and what the Town bills its users. When asked, Mrs. Gemma responded that if this temporary rate is not billed out now, the Water Department would have to borrow from the General Fund.

October 1, 2007

Mr. Lowe noted there are 10,000,000 gallons that are unaccounted for.

Mrs. Gemma and Water Superintendent Manuel Alvarez have discussed the possibility of having an audit completed.

Mrs. Gemma also stated that the meter charge will more than likely be increased from \$150.00 to \$200.00. Mr. Lowe commented that he is not in favor of this increase.

MOTION by Mr. Lovett and seconded by Mr. Leclerc that, based upon the recommendation of the Finance Director, water tax bills be issued to include a temporary 24 percent rate increase that equates to \$5.85/1000 gallons. In addition to the bill there will be a letter explaining the increase and the steps being taken to solve the discrepancy, including a possible audit. On a roll call vote the motion passed 4 to 1 with Mr. Zwolenski voting no.

AUTUMNFEST PARADE

Mr. Lowe reminded the Council members they had been invited to participate in Woonsocket's Autumnfest Parade. It will kick off Monday promptly at 9:30 A.M. at the Woonsocket Plaza.

BANKRUPTCY LITIGATION

Mr. Hadden learned in discussions with Assistant Tax Collector Diane Vadenais and Attorney Paul Votta, who is assisting in the town's tax sales, that, in anywhere from one to five instances where back taxes are due, it would be best for the town to file petitions in bankruptcy court. This will require preparation of petitions, filings, pleadings and appearances. Mr. Hadden recommended the usual fee of \$150.00 per hour plus expenses.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Mr. Hadden's request to move forward with the bankruptcy court petitions at a rate of \$150.00 per hour plus expenses.

WOOD BURNING FURNACES

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this matter up on the agenda.

Mr. Leclerc noted that he has recently received calls from residents who are concerned about the use of wood burning furnaces due to the onset of cooler weather. He asked Mr. Hadden what the status is

with the proposed ordinance.

Mr. Hadden recalled that this past winter he went through some drafts and then referred the matter to the Planning Board in May. He is aware that the board did take testimony and he agreed to follow up with Town Planner Michael Phillips.

GUARANTEED MAXIMUM PRICE AGREEMENT – MIDDLE SCHOOL MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve the following based upon the recommendation of School Building Committee Chair David Chamberland: Amendment #1 to the Standard Form of Agreement between Owner and Design Builder AIA Document A141-2004. Pursuant to Paragraph 4.4.3 of the agreement executed February 15, 2007 between the Town of North Smithfield and Gilbane Building Company for the North Smithfield Middle School, the owner and design builder establish a guaranteed maximum price and contract time to the work as set forth below: Article I Guaranteed Maximum Price. The Design Builder's Guaranteed Maximum Price for the work, including the estimated cost of work as defined in Article B.2 and the design builder's fee as defined in Article 4.4.2.1 is \$29,157,000.00. This price is for the performance of work in accordance with the contracts listed and attached to this amendment and marked as follows: Section I – Cost Breakdown; Section II – Qualifications & Clarifications; Section III – Allowances; Section IV – Construction Schedule; Section V – Document List and Section VI – Alternates.

Article 2 Contract Time. The date of substantial completion established by this amendment is June 30, 2008.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to authorize the Town Administrator to sign the document specifically where it references Owner regarding the document

October 1, 2007

identified as Guaranteed Maximum Price for an amount of \$29,157,000.00.

OUTDOOR SOUND SYSTEM PERMIT – V.F.W.

Mr. Alan Cote, Commander of V.F.W. Post #6342, requested permission to use an outdoor sound system for an outdoor band show to be held on the Post grounds on October 6, 2007 from 6:00 P.M. to midnight. The band would play from 9:00 P.M. to midnight.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on a roll call vote to grant an outdoor sound system permit to the V.F.W. for October 6, 2007 between the hours of 6:00 P.M. to midnight. The date may possibly change to October 5, 2007.

INVESTIGATION OF BUS STOPS BY PUBLIC SAFETY COMMISSION

Mr. Lowe noted there have been some concerns over a couple of the school bus stops and he has met with the Transportation Director

Robert Meo and School Superintendent Stephen Lindberg to discuss this matter and some things have been resolved. He would like permission to call a meeting of the Public Safety Commission if the need arises.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to enter into dialogue to request a recommendation from the Public Safety Commission regarding bus stops.

**QUESTIONS REGARDING HOLLISTON SAND & GRAVEL COMPLAINT
– J. GIBBONS**

Mr. John J. Gibbons 3rd of 1580 Victory Highway had several questions about Holliston Sand & Gravel and their operations.

Mr. Lowe thought these questions should probably be in front of the Zoning Board.

Mr. Hadden stated there are procedures determined by state law that need to be followed. Building permits can be appealed to the Planning Board and if Mr. Gibbons is not satisfied with their decision and feels his rights have been violated, he could continue on to Superior Court. The Town Council does not have jurisdiction in this matter.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted

unanimously on an aye vote to adjourn at 8:25 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk